

## REMARKS

Please cancel Claims 4, 14 and 24 without prejudice. Claims 1, 2, 5, 11, 12, 15, 18-22 and 25 are amended herein. Claims 1-3, 5-13, 15-23 and 25-30 are pending. No new matter is added as a result of the claim amendments.

### 103 Rejections

Claims 1-3, 5-13, 15-23 and 25-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Liddy et al. ("Liddy;" U.S. Patent No. 6,026,388) in view of Papierniak et al. ("Papierniak;" U.S. Patent No. 6,151,601) and further in view of Shah et al ("Shah;" U.S. Publication No. 2002/0035565). The Applicants have reviewed these references and respectfully submit that the present invention as recited in Claims 1-3, 5-13, 15-23 and 25-30 is not shown or suggested by Liddy, Papierniak and Shah, alone or in combination.

Independent Claim 1 recites that an embodiment of the present invention is directed to a method comprising "organizing a selected subset of said metrics in a hierarchical organization navigable by a user using a wireless device; receiving from said user a selection identifying an instance of said selected subset of metrics, said selection communicated along a path comprising, in order, said wireless device, a wireless gateway that enables communication between said wireless device and the Internet, the Internet, and a server identified by a Uniform Resource Locator, wherein said server is coupled to said repository; and sending said instance of said metrics to said user along said path to said wireless device" (emphasis added). Claims 2, 3 and 5-10 are dependent on Claim 1 and recite additional limitations.

Independent Claim 11 recites that an embodiment of the present invention is directed to a computer system that can execute a method that comprises "organizing a selected subset of said metrics in a hierarchical organization navigable by a user using a wireless device; receiving from said user a selection identifying an instance of said selected subset of metrics, said selection communicated along a path comprising, in order, said wireless device, a wireless gateway that enables communication between said wireless device and the Internet, the Internet, and a server identified by a Uniform Resource Locator, wherein said server is coupled to said repository; and sending said instance of said metrics to said user along said path to said wireless device" (emphasis added). Claims 12, 13 and 15-20 are dependent on Claim 11 and recite additional limitations.

Independent Claim 21 recites that an embodiment of the present invention is directed to a computer-usable medium that causes a computer a method comprising "organizing a selected subset of said metrics in a hierarchical organization navigable by a user using a wireless device; receiving from said user a selection identifying an instance of said selected subset of metrics, said selection communicated along a path comprising, in order, said wireless device, a wireless gateway that enables communication between said wireless device and the Internet, the Internet, and a server identified by a Uniform Resource Locator, wherein said server is coupled to said repository; and sending said instance of said metrics to said user along said path to said wireless device" (emphasis added). Claims 22, 23 and 25-30 are dependent on Claim 21 and recite additional limitations.

The instant Office Action suggests that Liddy does not teach the above limitations (on page 5, the instant Office Action states that Liddy does not teach

"wherein said instance of said metric is sent to a wireless device"). Applicants respectfully submit that Papierniak does not overcome the shortcomings of Liddy.

Papierniak appears to show a computer system 100 coupled by an interface 118 and a network link 120 that may be wireless to a local network 122. The local network 122 is coupled to an ISP 126 and the Internet 128, which are coupled to a server 130. However, Applicants respectfully submit that Papierniak (alone or in combination with Liddy) does not show or suggest a wireless gateway coupled to the Internet, nor does Papierniak show or suggest a wireless device coupled to the wireless gateway. In particular, Applicants respectfully submit that Papierniak (alone or in combination with Liddy) does not show or suggest a user making a selection that is communicated to a repository along a path that includes, in order, a wireless device, a wireless gateway that enables communication between the wireless device and the Internet, the Internet, and a server accessed via the Internet by a Uniform Resource Locator, the server in turn coupled to the repository, as recited in the claims.

Applicants further submit that Shah does not overcome the shortcomings of Papierniak and Liddy. Specifically, Applicants respectfully submit that Shah (alone or in combination with Papierniak and Liddy) does not show or suggest a wireless device coupled to the wireless gateway, and in particular does not show or suggest a user making a selection that is communicated to a repository along a path that includes, in order, a wireless device, a wireless gateway that enables communication between the wireless device and the Internet, the Internet, and a server accessed via the Internet by a Uniform Resource Locator, the server in turn coupled to the repository, as recited in the claims.

In summary, Applicants respectfully submit that Liddy, Papierniak and Shah, alone or in combination, do not show or suggest the present claimed invention as recited by independent Claims 1, 11 and 21, and that these claims are in condition for allowance. Also, Applicants respectfully submit that Liddy, Papierniak and Shah, alone or in combination, do not show or suggest the additional claimed features of the present invention as recited in Claims 2, 3 and 5-10 dependent on Claim 1, Claims 12, 13 and 15-20 dependent on Claim 11, and Claims 22, 23 and 25-30 dependent on Claim 21, and that these claims are in condition for allowance as being dependent on allowable base claims. Therefore, the Applicants respectfully assert that the basis for rejecting Claims 1-3, 5-13, 15-23 and 25-30 under 35 U.S.C. § 103(a) is traversed.

Claims 2, 12 and 22 each recite the limitation "wherein said hierarchical organization is user-specific, wherein said user selects specific metrics and wherein metrics selected by said user are included in a taxonomy created by said user and retained for subsequent access by said user."

Applicants respectfully submit that Liddy does not show or suggest the limitation recited by Claims 2, 12 and 22. The instant Office Action cites column 9, lines 51-67, and column 10, lines 1-22, as disclosing that a hierarchical organization is user-specific. Based on the Applicants reading of the cited portion of Liddy, Applicants respectfully submit that the cited portion does not show or suggest a user-specific hierarchical organization. Furthermore, Applicants respectfully submit that Liddy, even taken in its entirety, does not show or suggest that a user can select certain metrics that are then included in a taxonomy (a division into

ordered groups or categories) that is retained (e.g., stored) so that the user can subsequently access the taxonomy without having to recreate it, as presented in the Claims 2, 12 and 22.

Applicants respectfully submit that Papierniak does not overcome the shortcomings of Liddy. Specifically, Applicants respectfully submit that Papierniak, alone or in combination with Liddy, does not show or suggest the limitation "wherein said hierarchical organization is user-specific, wherein said user selects specific metrics and wherein metrics selected by said user are included in a taxonomy created by said user and retained for subsequent access by said user" recited in Claims 2, 12 and 22.

Applicants further submit that Shah does not overcome the shortcomings of Papierniak and Liddy. Shah describes security measures that can be employed to restrict a user from accessing certain levels of a hierarchy of information. Should this be interpreted as Shah disclosing a user-specific list, Applicants respectfully respond that the security measures, and hence the user's selections, are imposed on the user, and thus Shah does not show or suggest that the user selects certain metrics that are included in a taxonomy, as recited in Claims 2, 12 and 22. In other words, according to the present claimed invention, the user selects metrics to be included in a user-specific taxonomy, while according to Shah, the user does not get to make selections but instead has the selections imposed on him/her.

Shah also discloses that a user can view selected metrics using techniques referred to as "slicing" and "drilling." However, Applicants respectfully submit that slicing only allows a user to change the dimension of what is being viewed, as

described in paragraph 0092 of Shah. Applicants also respectfully submit that drilling only refers to a technique for navigating a hierarchy of information. In other words, Applicants respectfully submit that slicing and drilling do not show or suggest that a user can select certain metrics that are then included in a taxonomy that is retained so that the user can subsequently access the taxonomy without having to recreate it, as presented in Claims 2, 12 and 22. Instead, slicing and drilling merely refer to how metrics are displayed and traversed.

In particular, Applicants respectfully submit that Shah, alone or in combination with Papierniak and Liddy, does not show or suggest the limitation "wherein said hierarchical organization is user-specific, wherein said user selects specific metrics and wherein metrics selected by said user are included in a taxonomy created by said user and retained for subsequent access by said user" recited in Claims 2, 12 and 22. For this additional reason, the Applicants respectfully assert that the basis for rejecting Claims 2, 12 and 22 under 35 U.S.C. § 103(a) is traversed.

#### Conclusions

In light of the above remarks, the Applicants respectfully request reconsideration of the rejected claims.

Based on the arguments presented above, the Applicants respectfully assert that Claims 1-3, 5-13, 15-23 and 25-30 overcome the rejections of record and, therefore, the Applicants respectfully solicit allowance of these claims.

The Applicants have reviewed the references cited but not relied upon. The Applicants did not find these references to show or suggest the present claimed invention: US Publication Nos. 2002/0059267 and 2002/0112237.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

Date: 2/26/04



William A. Zarbis  
Reg. No. 46,120

Two North Market Street  
Third Floor  
San Jose, California 95113  
(408) 938-9060